

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

**Document Signature LPL**

1. File Number: <b>21,560</b>	2. Status Change Date: <b>1/14/2020</b>	3. Change Num: <b>3</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change:
8a. Applicant(s)                                  Person ID <b>57329</b> New to system <input type="checkbox"/> Add Seq# _____  <b>EASTSIDE DAIRY II LLC</b> <b>ATTN: DAN SENESTRARO</b> <b>9620 E RD 8</b> <b>JOHNSON, KS 67855</b>		8c. Landowner(s)                                  Person ID _____ New to system <input type="checkbox"/> Add Seq# _____		
8b. Landowner(s)                                  Person ID _____ New to system <input checked="" type="checkbox"/> Add Seq# _____		8d. WUC    Person ID <b>38370</b> New to system <input checked="" type="checkbox"/> Add Seq# _____  <b>DAN SENESTRARO</b> <b>9620 E ROAD 8</b> <b>JOHNSON, KS 67855-8922</b>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/20</b> <input type="checkbox"/> N & P Date to Comply: _____ <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>1/2/20</b> By: <b>BAT</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>1/16/2020</b></span> By: <b>LMoody</b>				

File No. **21560**      11. County: **ST**      Basin:      Stream:      Formation Code:      Special Use:

12. Points of Diversion										Rate and Quantity					
T										Authorized		Additional			
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT										gpm/cfs	af/mgy	gpm/cfs	af/mgy		

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:    Allocation Type \_\_\_\_\_    Start Year \_\_\_\_\_    5 YR Amount \_\_\_\_\_    Amount Unit \_\_\_\_\_    Base Acres \_\_\_\_\_    Comment \_\_\_\_\_

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T																													
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT	697984	28S	39W	?				<i>DAIRY in W 1/2 SE 1/4</i>																	8a	NO	NONE		
MOD	55699	9	28S	39W	3			<i>DAIRY in NE 1/4</i>																	8a	NO	NONE		

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 6, 2020

**FROM:** Brent A. Turney

**RE:** Water Right  
File Nos. 7,446 D4 & 21,560

Dan Senestraro on behalf of the Eastside Dairy, owner of the above referenced water rights has filed an application for approval to change the place of use under Water Right, File No. 21,560 and a reduction in the authorized place of use under File No. 21,560. The application and reduction request propose to expand the footprint of the existing dairy and to remove an overlap in the place of use the expanded dairy has with Water Right, File No. 7,446 D4.

The referenced files do not appear to be abandoned as per K.S.A. 82a-718.

The change in place of use under File No. 21,560 proposes to add approximately 160 acres of land to the dairy that is currently authorized for irrigation use by file No. 7,446D4. Therefore, the reduction in place of use under File No. 7,446 D4 proposes to remove the same 160 acres of land so there will be no overlap the places of use.

In a letter dated, December 23, 2019, Jason Norquest, Assistant Manager, GMD No. 3, recommended that the application for change in place of use be approved along with the reduction to File No. 7,446 D4.

In an email dated today's date, Mike Meyer, Water Commissioner, Garden City Field Office, recommended that the application be approved.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, it is recommended that the referenced application be approved.

  
Brent A. Turney  
Change Application Unit Supervisor

**Turney, Brent [KDA]**

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, January 6, 2020 8:50 AM  
**To:** Turney, Brent [KDA]  
**Subject:** RE: You in today?

Approve thank you

*Mike*

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**From:** Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Sent:** Monday, January 6, 2020 8:47 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** FW: You in today?

Mike,  
Can you take a quick look at this?  
Thanks!

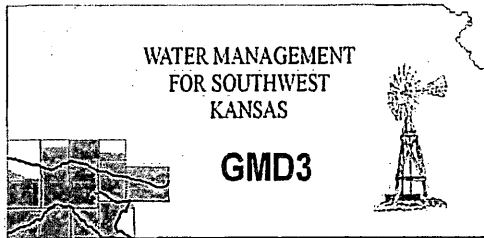
**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

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**From:** Turney, Brent [KDA]  
**Sent:** Thursday, January 2, 2020 2:20 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** You in today?

Hey, are you in today? I need a recommendation for the change and reduction for the Eastside Dairy.

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**



**Southwest Kansas  
Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

December 23, 2019

Brent A. Turney  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

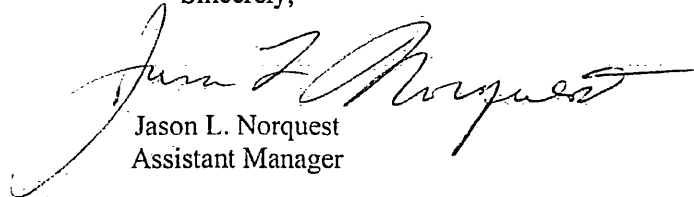
RE: Applications for Change in Place of Use  
Water Right, File Nos. 7446 D4 & 21560

Dear Brent:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use will cover the proposed expansion at the dairy and meets the criteria set for in K.A.R. 5-5-11. With the expansion in place of use for STK, the applicant requests reduction in IRR acres to correctly identify the acres that will remain under irrigation. It is therefore recommended that the applications and reduction requests be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

File No(s): 7446 D4 & 21560.

DWR office: HQ.

App filed to change: Reduction & PU.

Is Landowner(s) correct in WRIS: Dan Senestraro.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?   .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s)    being changed.

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
a2 + b2 = c2	0	0	0.

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs?   .

Is Proposed PU overlapping existing WRs? No.

Land Owner(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Neighboring certified well(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Domestic well(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

**21560 is a STK right. The request to change PU will cover planned expansion of the dairy facility.**

**7446D4 is IRR right. The Dairy will be expanding onto acres current covered by this right for IRR so the reduction request is needed to eliminate the IRR on the land. 378 acres will remain IRR and the right has 752AF authorized.**

Is a waiver needed: No. The reduction on 7446D4 will help the acres/AF ratio and is still within tolerance. 21560 needed for the STK authority.

Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 10, 2019 **COPY**

DAN SENESTRARO  
9620 E RD 8  
JOHNSON KS 67855

RE: Water Right  
File No. 21,560

Dear Mr. Senestraro:

Reference is made to the application for approval of the Chief Engineer to change the place of use under Water Right, File No. 21,560 which was received in this office on February 20, 2018.

We have withheld processing of this application to change the place of use pending the final outcome of the application to change the authorized point of diversion, place of use and use made of water under Water Right, File No. 7,446-D4. That application was dismissed on September 3, 2019; therefore, we are proceeding with processing of the above referenced change to File No. 21,560. Upon further review of the application we find that the following information or modifications will be required.

It is proposed that the place of use for stockwatering purposes be changed to allow you to expand the existing feedlot. Currently only the East Half of the Northeast Quarter of Section 9, Township 28 South, Range 39 West, is authorized. The application proposes to add the West Half of the Northeast Quarter of Section 9, and the West Half of the Southeast Quarter of Section 4. Records in this office indicate that the Feedlot has already expanded into the West Half of the Northeast Quarter of Section 9 and has not yet expanded to the West Half of the Southeast Quarter of Section 4. The tract of land in Section 4, is currently authorized for irrigation use under Water Right, File No. 7,446-D4. If it still desired to expand the feedlot into West Half of the Southeast Quarter of Section 4, you must first remove this land from Water Right, File No. 7,446-D4.

We have enclosed a blank request to reduce an existing water right to allow you to remove the West Half of the Southeast Quarter of Section 4 from File No. 7,446-D4. If you no longer wish to expand into the West Half of the Southeast Quarter of Section 4, then you must update the application to change the place of use under Water Right, File No. 21,560 to remove this land from the proposed place of use.

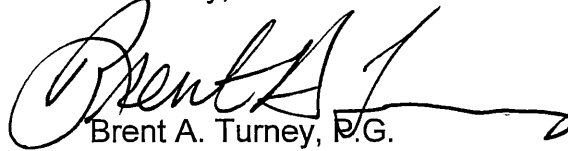
The application for change under File No. 21,560, is being returned so that you may comply with the above instructions. In order that the application will retain its priority of filing, the original application and attachments must be returned, with any corrections dated and signed, to this office on or before November 10, 2019, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of priority date and dismissal of the applications.

SCANNED

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please take this letter, your application and attachments with you.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

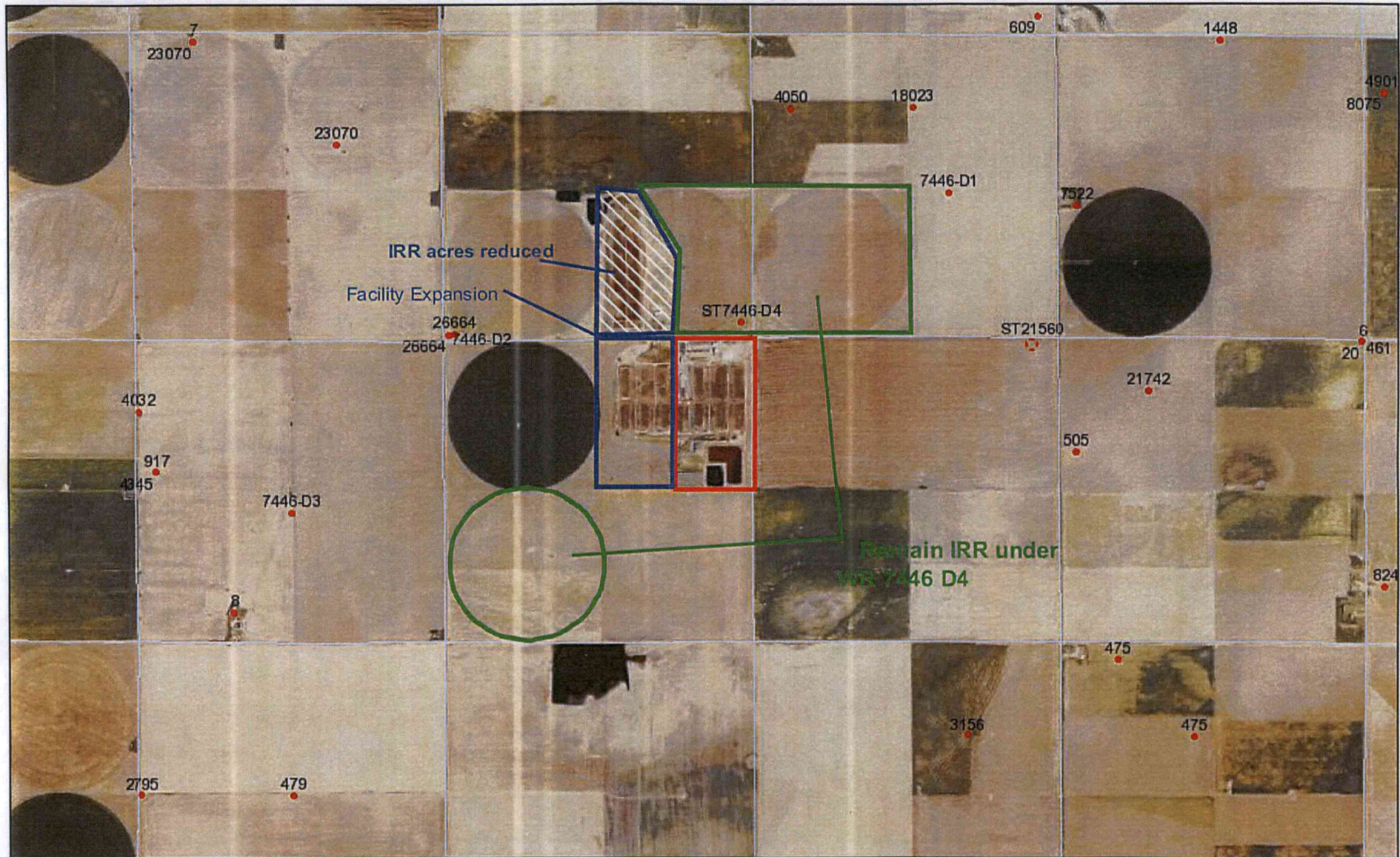
A handwritten signature in black ink, appearing to read "Brent A. Turney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Permits Unit

BAT

pc: Garden City Field Office  
GMD No. 3

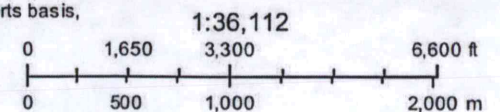




December 23, 2019  
14:10 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

<b>Wells</b>	+	CON	●	FPR	▲	MUN	⚡	THX	
?	Other	⊗	DEW	+	HYD	▢	REC	?	Empty
●	IRR	▲	DOM	★	IND	⊗	STK	□	Sections



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Mike Beam, Secretary

Laura Kelly, Governor

EASTSIDE DAIRY II LLC  
DAN SENESTRARO  
9620 E RD 8  
JOHNSON KS 67855

January 16, 2020

FILE COPY

Re: Water Right, File Nos. 7,446 D4 and 21,560

Dear Mr. Senestraro:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Water Right, File No. 21,560 and the Findings and Order to reduce the authorized place of use under Water Right, File No. 7,446 D4.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the orders under the referenced water rights, modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT  
Enclosures  
pc: Garden City Field Office  
GMD No. 3

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 21,560**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dan Senestraro on behalf of Eastside Dairy II LLC, 9620 E RD 8, Johnson, Kansas 67855, received in this office on February 20, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use as modified and amended by the order of the Chief Engineer approving the application to change the authorized place of use dated, May 16, 2003, and the order of the Chief Engineer approving the application to change the authorized point of diversion dated August 8, 2003, finds that the change is reasonable and will not impair existing rights and that the application should be and is hereby approved.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized place of use shall be

a dairy in the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section 4, and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 9, all in Township 28 South, Range 39 West, Stanton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 21,560, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 8, 2002, and as modified and amended by the aforementioned orders.

Dated at Manhattan, Kansas, this 14<sup>th</sup> day of January, 2020.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2020, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Katie D Anderson

Notary Public

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

**CERTIFICATE OF SERVICE**

On this 10<sup>th</sup> day of January, 2020, I hereby certify that the attached Approval of Application to Change the Authorized Place of Use, File No. 21,560, dated January 14, 2020, was mailed postage prepaid, first class, US mail to the following:

EASTSIDE DAIRY II LLC  
DAN SENESTRARO  
9620 E RD 8  
JOHNSON, KS 67855

With photocopies to:

Garden City Field Office  
GMD No. 3

Katie Anderson  
Staff